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Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

Letter dated 24 October 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Chairperson of the First Committee

I have the honour to write you to express our concern at a publication sponsored by the United Nations Institute for Disarmament Research (UNIDIR), entitled "*Implementing Resolution 1540: the Role of Regional Organizations*", which was publicly presented to Member States last Wednesday, 22 October, at a parallel event to the work of the First Committee, held in Conference Room 4 at United Nations Headquarters.

Delegations to the First Committee have traditionally benefited from a number of different side events. In the opinion of Cuba, the vast majority of these events have been useful and have contributed in one way or another to broadening the knowledge and information of Member States about various topical and important issues in the field of disarmament and international security.

It is therefore a matter of regret that a publication which, in our opinion, does not meet the minimum requirements of rigour and professionalism was launched at the seminar held on 22 October at the United Nations.

Cuba deplores the fact that a United Nations institution that enjoys a reputation for prestige and seriousness, such as UNIDIR, has sponsored the publication and promotion of the above-mentioned book.

We are particularly concerned at the content of the chapter of the book that refers to resolution 1540 (2004) in Latin America and the role of the Organization of American States. In addition to inexcusable errors and outdated information, this chapter contains unacceptable and completely baseless statements about the status of implementation of resolution 1540 (2004) by certain States in our region.

We are aware that, as stated in the publication, the works included reflect only the views of their authors and not necessarily the views or opinions of the United Nations or UNIDIR. It is nevertheless true that an event was held to launch the

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publication under the auspices of UNIDIR, a United Nations institution, and with the participation of Member States. And that is why we have no choice but to publicly register our concern.

It is not the purpose of this letter to enter into an academic debate and to review in detail the above-mentioned chapter of the book. It suffices to say that, while we agree with a part of its content, we have serious doubts about the depth and objectivity of the chapter as a whole.

We shall confine ourselves to giving only concrete examples of statements in the narrative of the chapter that directly concern Cuba and which are unacceptable or simply erroneous, such as:

- On page 15, the author states that various countries in the region, among which Cuba is mentioned by name, "are countries where mechanisms to avoid access to nuclear facilities and materials and chemical and biological agents by non-state actors involved in violent tactics are definitely needed". The publication limits itself to making this statement without proffering arguments or any evidence whatsoever, even though the statement completely ignores the numerous measures adopted by Cuba and acknowledged by the Security Council to fully comply with each and every one of the provisions of resolution 1540 (2004).

  We believe that issues related to compliance by States with a resolution such as resolution 1540 (2004), which was adopted under Chapter VII of the Charter of the United Nations and in respect of which failure by States to comply could even result in the adoption of punitive measures by the Security Council, should not be approached lightly, particularly in a publication sponsored by a United Nations institution.

- Table 1 (page 20) contains a list of countries in the region that have reported to the Security Council pursuant to resolution 1540 (2004). Such reporting, as is well known, is part of the obligations provided for in the resolution. Cuba is not included in the list, despite the fact that it submitted its report within the time frame provided for in the resolution, namely 28 October 2004, and that the report describes in a detailed and comprehensive manner the legislative and other types of measures adopted by Cuba in compliance with the resolution. Cuba also submitted a number of follow-up reports to the Security Council Committee established pursuant to resolution 1540 (2004) during the period 2005-2008. These reports are publicly available on the website of the 1540 (2004) Committee, which makes it difficult to understand why this information was not included in the publication.

- Table 2 (page 22) gives the percentage of fulfilment of key obligations for implementing resolution 1540 (2004) by member countries of the Organization of American States. Cuba is included in this table, despite the well known fact that it is not a member of this organization. What is more, the table assigns a completely arbitrary percentage of fulfilment to Cuba, for which it took figures from another source as a reference, without any justification.

- On page 26, it states that 17 Governments of the region submitted information in 2006 to the United Nations Register of Conventional Arms. However, it uses as the source for this information a General Assembly document (A/61/133) that has nothing to do with the Register and which concerns

instead a different instrument, namely the standardized instrument for reporting military expenditures. Contrary to what is stated in the publication, 20 States, including Cuba, responded to the survey for the Register in 2006.

- Annex A, on page 33, entitled "Regional membership of organizations and groups", contains a table that excludes Cuba, which is obviously a country in the region, and refers only to members of OAS.

- Annex B, on page 35, entitled "Regional adherence to non-proliferation instruments and organizations", inexplicably fails to include Cuba, despite the fact that our country is obviously a part of the region and a State party, moreover, to several of the instruments mentioned in the annex.

- On page 37 of note 1, at the end of the chapter, the author states incorrectly that Cuba signed the Treaty of Tlatelolco in March 1995, but has still not ratified it, when in fact Cuba ratified the Treaty six years ago, on 23 October 2002. It is difficult to understand how such outdated information can be contained in a work published in 2008.

I should be grateful if through you our concerns in this matter could be conveyed to UNIDIR. We sincerely hope that there will be no future occurrences of situations such as these, which in no way contribute to the efforts being made by all the countries of Latin America and the Caribbean to ensure the full implementation of resolution 1540 (2004).

I should also be grateful if you would kindly arrange for this letter to be circulated as a document of the General Assembly, under agenda item 91.

(*Signed*) Rodrigo **Malmierca Diaz**
Ambassador
Permanent Representative